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April 28, 2016

VIA ECF

Honorable Robert M. Levy
United States Magistrate Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: Stewart et al. v. City of New York, et al., 14cv2854 (RJD) (RML)

Dear Honorable Judge Levy:

I write as the attorney for the plaintiffs in this action. The purpose of this letter is to request an extension of discovery for a period of 45 days. Yesterday, I conferred with counsel for the defendants and counsel for the defendants are in agreement, both as to the need for this extension and as to the amount of time requested.

The current status of discovery is as follows. At the time the last extension was requested and granted, the parties identified certain dates on which depositions could be held, and proceeded to attempt to fit the depositions noticed by plaintiffs into those dates. We have held for depositions. An additional deposition was to have been held, but was adjourned because the officer involved was on a detail from which he could not be excused. This officer, Detective Reich, is one of the more important figures in the incident. His deposition has not yet been held. During depositions it emerged that the undercover officers who allege that they purchased drugs at the subject premises took video of their own activities which has not yet been disclosed. The plaintiffs issued a formal written request to the defendants for this material, as well as other important material whose existence came to light during depositions, and it is my understanding from counsel for the defendants that the defendants are in the process of locating responsive material, including the aforementioned videos. Finally, there is pending in the state court in Staten Island request to unseal any testimony that may have been given in support of the warrant issued to search the subject premises. Thus, in addition to the need to complete depositions, new issues have arisen in discovery which independently create a need for additional time.

In our conference, both sides agreed that it would be desirable to hold the further depositions after the disclosure of the newly- identified material such as the videos. Counsel for the defendants let me know that it is also possible that the defendants may seek a protective order as to some material, should it appear to be necessary once that material is actually located. Thus, time may be required not merely for these additional disclosures, and the depositions, but for some applications to the court to be made and considered.

For the foregoing reasons, I respectfully request that the extension of time be granted.

Sincerely,

David Thompson